

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

SMARTMATIC USA CORP., SMARTMATIC
INTERNATIONAL HOLDING B.V. and SGO
CORPORATION LIMITED,

Plaintiffs,

v.

MICHAEL J. LINDELL and MY PILLOW, INC.,

Defendants.

Case No. 22-cv-00098- WMW-JFD

DECLARATION OF ABRAHAM S. KAPLAN

I, Abraham S. Kaplan, being first duly sworn, state as follows:

1. I am an attorney with the law firm of Parker Daniels Kibort LLC and am one of the attorneys representing Defendants in the above-referenced case. As such, I have personal knowledge of the dates, events, and facts stated below.

2. Attached as **Exhibit A** is a true and correct copy of Plaintiffs' Initial Disclosures.

3. Attached as **Exhibit B** is a true and correct copy of Defendant My Pillow, Inc.'s First Set of Interrogatories Directed to Plaintiff.

4. Attached as **Exhibit C** is a true and correct copy of Plaintiffs' Answers and Objections to Defendant My Pillow, Inc.'s First Set of Interrogatories.

5. Attached as **Exhibit D** is a true and correct copy of Plaintiffs' Second Supplemental Answers and Objections to Defendant My Pillow, Inc.'s First Set of Interrogatories.

6. Attached as **Exhibit E** is a true and correct copy of Plaintiffs' Third Supplemental Answers and Objections to Defendant My Pillow, Inc.'s First Set of Interrogatories.

7. Attached as **Exhibit F** is a true and correct copy of Defendant My Pillow, Inc.'s Third Set of Interrogatories Directed to Plaintiffs.

8. Attached as **Exhibit G** is a true and correct copy of Plaintiffs' Answers and Objections to Defendant My Pillow, Inc.'s Third Set of Interrogatories.

9. Attached as **Exhibit H** is a true and correct copy of Defendants' Fourth Set of Interrogatories to Plaintiffs.

10. Attached as **Exhibit I** is a true and correct copy of Plaintiffs' Answers and Objections to Defendants' Fourth Set of Interrogatories.

11. Attached as **Exhibit J** is a true and correct copy of Defendant My Pillow, Inc.'s First Set of Requests for Production of Documents and Things to Plaintiffs.

12. Attached as **Exhibit K** is a true and correct copy of Plaintiffs' Responses to Defendant My Pillow, Inc.'s First Set of Requests for Production of Documents and Things.

13. Attached as **Exhibit L** is a true and correct copy of Plaintiffs' Supplemental Responses to Defendant My Pillow, Inc.'s First Set of Requests for Production of Documents and Things.

14. Attached as **Exhibit M** is a true and correct copy of Motions Hearing transcript.

15. Attached as **Exhibit N** is a true and correct copy of Defendants' Notice of Taking Videotaped Deposition of 30(b)(6) Designee of Plaintiff Smartmatic USA Corporation.

16. Attached as **Exhibit O** is a true and correct copy of Amended Notice of 30(b)(6) Deposition of Plaintiffs.

17. Attached as **Exhibit P** is a true and correct copy of Plaintiffs' Omnibus Objections and Responses to Defendants' Notices of Taking Videotaped Deposition of 30(B)(6) Designee of Plaintiffs Smartmatic USA Corp., Smartmatic International Holding B.V., and SGO Corporation Limited.

18. Attached as **Exhibit Q** is a true and correct copy of Defendants' Notice of Taking Videotaped Deposition of Roger Pinate Jr. as Individual and 30(b)(6) Designee.

19. Attached as **Exhibit R** is a true and correct copy of Defendants' Notice of Taking Videotaped Deposition of Pedro Mugica as Individual and 30(b)(6) Designee.

20. Attached as **Exhibit S** is a true and correct copy of Correspondence from Plaintiffs' Counsel Jamie Ward providing amended deposition objections and Amended Appendix A.

21. Attached as **Exhibit T** is a true and correct copy of Plaintiffs' Amended Omnibus Objections and Responses to Defendants' Notices of Taking Videotaped Deposition of 30(B)(6) Designee of Plaintiffs Smartmatic USA Corp., Smartmatic International Holding B.V., and SGO Corporation Limited.

22. Attached as **Exhibit U** is a true and correct copy of email correspondence from Plaintiffs' Counsel Jamie Ward cancelling 30(b)(6) deposition of Pedro Mugica.

23. Attached as **Exhibit V** is a true and correct copy of Correspondence from Plaintiffs' Counsel Michael Bloom identifying certain Los Angeles County documents to be produced.

24. Attached as **Exhibit W** is a true and correct copy of email correspondence from Plaintiffs' Counsel Michael Bloom identifying certain examples of categories of documents Plaintiffs withheld from production.

25. Attached as **Exhibit X** is a true and correct copy of a Subpoena to Los Angeles County dated February 7, 2023.

26. Attached as **Exhibit Y** is a true and correct copy of the Affidavit of Service of the Subpoena to Los Angeles County dated February 7, 2023.

27. Attached as **Exhibit Z** is a true and correct copy of Los Angeles County's Objections to the February 7, 2023 subpoena.

28. Attached as **Exhibit AA** is a true and correct copy of email correspondence from Plaintiffs' Counsel Jamie Ward notifying Defendants' Counsel that Los Angeles County would consent to the production of responsive nonprivileged documents.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 27, 2023, in Hennepin County, Minnesota.

/s/ Abraham S. Kaplan

Abraham S. Kaplan